

Journal of the House

TWENTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 13, 2019, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Finch in the chair.

The roll was called with 121 members present.

Reps. Bishop and Lewis were excused on verified illness.

Reps. Alcalá and Sutton were excused on excused absence by the Speaker.

Prayer by guest chaplain, Judy Roitman, Guiding Teacher, Kansas Zen Center, Lawrence, and guest of Rep. Highberger:

On this winter morning, I am grateful for your presence. Membership in this chamber gives you an opportunity to improve the lives of others; please cherish this gift. May the work of this legislature ensure justice and equality for the people who have entrusted you to do so; may your work ensure a vibrant life for all Kansans, so that they may all enjoy life, liberty, and the pursuit of happiness.

A quote from the Metta Sutta:

Happy, at rest, may all beings be happy at heart.

Whatever beings there may be, weak or strong, without exception,
long, large, middling, short, subtle, blatant,
seen & unseen, near & far, alive now or in the future,
may all beings be happy at heart.

Let no one deceive another or despise anyone anywhere,
or through anger or irritation wish for another to suffer.

As a mother would risk her life to protect her child, her only child,
even so should one cultivate a limitless heart with regard
to all beings.

With good will for the entire cosmos, cultivate a limitless heart:
Above, below, & all around, unobstructed, without enmity or hate.
Whether standing, walking, sitting, or lying down,
as long as you live.

Thank you.

The Pledge of Allegiance was led by Rep. Concannon.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2283, AN ACT concerning crimes, punishment and criminal procedure; relating to departure sentence; mitigating factors; amending K.S.A. 2018 Supp. 21-6815 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2284, AN ACT concerning crimes, punishment and criminal procedure; relating to assault; battery; unlawful interference with a firefighter; unlawful interference with an emergency medical services attendant; creating the crime of unlawful interference with a healthcare provider; amending K.S.A. 2018 Supp. 21-5412, 21-5413, 21-6325 and 21-6326 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2285, AN ACT concerning legal tender; relating to the Kansas legal tender act; reaffirmation of gold and silver coin as legal tender; exempting specie from Kansas sales taxation; income taxation subtraction modification for gains from the sale of specie; amending K.S.A. 2018 Supp. 79-32,117 and 79-3606 and repealing the existing sections, by Representative Capps.

HB 2286, AN ACT making and concerning appropriations for the fiscal year ending June 30, 2020, for the Kansas state school for the deaf; authorizing certain capital improvement projects, by Representative Toplikar.

HB 2287, AN ACT concerning school districts; relating to teacher contracts; due process; amending K.S.A. 72-2252, 72-2253, 72-2254 and 72-2260 and repealing the existing sections, by Representatives Stogsdill, Alcalá, Amyx, Ballard, Benson, Bishop, Burroughs, Carlin, Carmichael, Clayton, Curtis, Dierks, Ellis, Finney, Frownfelter, Gartner, Helgerson, Helmer, Henderson, Highberger, Hodge, Holscher, Horn, Karleskint, Kessinger, Kuether, Lusk, Moore, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Pittman, Probst, Ruiz, L., Ruiz, S., Samsel, Sawyer, Schreiber, Toplikar, Victors, Ward, Warfield, Weigel, Wheeler, Whipple, Winn, Wolfe Moore, Woodard and Xu.

HB 2288, AN ACT concerning school districts; relating to religious speech; creating the Kansas student and educator freedom of religious speech act, by Representatives Erickson, Arnberger, Bergquist, Blex, Burris, Capps, Carlson, B. Carpenter, Collins, Delperdang, Dove, Garber, Helmer, Hoheisel, Houser, Howard, Humphries, Jacobs, Mason, Owens, Seiwert, Smith, E., Tarwater, Thimesch, Thomas, Vickrey, Waggoner and Wasinger.

HB 2289, AN ACT concerning motor carriers; repealing public convenience and necessity requirements; amending K.S.A. 66-1,108b, 66-1,110, 66-1,112g, 66-1,112h, 66-1,112j, 66-1,115, 66-1,117, 66-1,119, 66-1,119a, 66-1,126, 66-1,129a and 66-1,142d and repealing the existing sections; also repealing K.S.A. 66-1,114, 66-1,114b, 66-1,115a and 66-1,118, by Committee on Federal and State Affairs.

HB 2290, AN ACT concerning the attorney general; relating to the crime victims compensation board; creating the crime victims compensating division within the office of the attorney general; amending K.S.A. 74-7304, 74-7305, 74-7308 and 74-7317 and repealing the existing sections; also repealing K.S.A. 74-7306, by Committee on Judiciary.

HB 2291, AN ACT concerning civil actions; relating to wrongful death; increasing the cap for nonpecuniary damages and escalating annually based on consumer price index; amending K.S.A. 60-1903 and repealing the existing section, by Committee on Judiciary.

HB 2292, AN ACT concerning crimes, punishment and criminal procedure; relating to diversion agreements; supervision of people on diversion; certified drug abuse treatment programs; amending K.S.A. 22-2907 and K.S.A. 2018 Supp. 21-6824, 22-2909, 75-5291 and 75-52,144 and repealing the existing sections, by Committee on Judiciary.

HB 2293, AN ACT concerning property taxation; relating to valuation of real property; land devoted to agricultural use; amending K.S.A. 2018 Supp. 79-1476 and repealing the existing section, by Representative Rhiley.

HB 2294, AN ACT concerning transfers in municipal funds; requiring a motion and notice when transferring utility funds to the general fund; amending K.S.A. 12-825d and repealing the existing section, by Representative Hodge.

HB 2295, AN ACT enacting the anesthesiologist assistant licensure act; providing for the powers, duties and functions of the state board of healing arts thereunder; amending K.S.A. 65-1163 and 65-28,127 and repealing the existing sections, by Committee on Health and Human Services.

HB 2296, AN ACT concerning insurance; relating to the Kansas automobile injury reparations act; pertaining to owner's failure to maintain financial security; penalties and impoundment procedures; amending K.S.A. 2018 Supp. 40-3104 and repealing the existing section, by Committee on Insurance.

HB 2297, AN ACT concerning firearms; relating to the personal and family protection act; providing exemptions for postsecondary educational institutions; amending K.S.A. 2018 Supp. 75-7c20 and repealing the existing section, by Representatives Ballard, Amyx, Benson, Carlin, Clayton, Curtis, Dierks, Finney, Gartner, Henderson, Highberger, Holscher, Horn, Kessinger, Kuether, Lusk, Murnan, Neighbor, Ohaebosim, Ousley, Ruiz, L., Ruiz, S., Sawyer, Schreiber, Stogsdill, Warfield, Weigel, Wolfe Moore, Woodard and Xu.

HB 2298, AN ACT concerning the state healthcare benefits program, relating to dental service benefits; assignment thereof, by Committee on Health and Human Services.

HB 2299, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; departure sentence; mitigating factors; amending K.S.A. 2018 Supp. 21-6815 and repealing the existing section, by Representatives Holscher, Concannon, Ellis, Horn, Howard, Karleskint, Probst, Ruiz, S., Stogsdill, Warfield, Weigel, Whipple and Woodard.

HB 2300, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the back the badge license plate; amending K.S.A. 2018 Supp. 8-1,141 and repealing the existing section, by Representative Burroughs.

HB 2301, AN ACT concerning education; relating to scholarship programs; tax credits; establishing the tax credit for low income postsecondary students scholarship program act; providing for the elimination of the tax credit for low income students scholarship program act; amending K.S.A. 72-4352, 72-4354 and 72-4357 and K.S.A. 2018 Supp. 79-32,138 and repealing the existing sections, by Representative Whipple.

HB 2302, AN ACT concerning taxation; enacting the food sales tax refund act; sunsetting the food sales tax credit; amending K.S.A. 2018 Supp. 79-32,271 and repealing the existing section, by Representatives Whipple, Hodge and Ohaebosim.

HB 2303, AN ACT enacting the Kansas safe access act; providing for the safe, legal, humanitarian and therapeutic use of cannabis for medical conditions; providing for the registration and functions of compassion centers; authorizing the issuance of identification cards; establishing the compassion board; providing for administration of the act by the department of health and environment, by Representatives Finney, Alcalá, Ballard, Benson, Carlin, Carmichael, Clayton, Henderson, Highberger, Holscher, Horn, Moore, Ohaebosim, Ousley, Parker, Probst, Ruiz, S., Sawyer, Stogsdill, Victors, Warfield, Winn, Woodard and Xu.

HB 2304, AN ACT concerning sales taxation; relating to exemptions; certain sales of school supplies, computers and clothing during sales tax holiday; amending K.S.A. 2018 Supp. 79-3606 and repealing the existing section, by Representatives Whipple, Hodge and Ohaebosim.

HB 2305, AN ACT concerning the crime victims compensation board; amending K.S.A. 74-7305 and repealing the existing section, by Representatives Holscher, Clayton, Concannon, Ellis, Gartner, Karleskint, Kessinger, Kuether, Parker, Pittman, Probst, Ruiz, S., Stogsdill, Warfield, Weigel, Woodard and Xu.

HB 2306, AN ACT concerning civil actions; relating to limitations on actions; victims of childhood sexual abuse; amending K.S.A. 2018 Supp. 60-523 and repealing the existing section, by Representatives Holscher, Ellis, Gartner, Howard, Karleskint, Kuether, Probst, Ruiz, S., Schreiber, Stogsdill, Warfield, Weigel, Whipple and Woodard.

HB 2307, AN ACT concerning insurance; relating to dental benefits; covered services and non-covered services; limitations on plan changes; amending K.S.A. 2018 Supp. 40-2,185 and 40-2,186 and repealing the existing sections, by Committee on Health and Human Services.

HB 2308, AN ACT concerning city-county consolidation; authorizing the consolidation of the city of Wichita and Sedgwick county, by Representative Helgerson.

HB 2309, AN ACT concerning arts industries; creating the Kansas arts commission and transferring to it certain functions from the Kansas creative arts industries commission; creating the Kansas arts commission gifts, grants and bequests fund, the Kansas arts commission special gifts fund, Kansas arts commission fund and the Kansas arts commission checkoff fund; amending K.S.A. 74-5207, 74-5208, 74-5209 and 74-7901 and K.S.A. 2018 Supp. 8-1,161, 75-2269, 75-5072 and 79-3221m and repealing the existing sections, by Representative Helgerson.

HB 2310, AN ACT concerning sales and compensating use tax; relating to rates; food and food ingredients; amending K.S.A. 2018 Supp. 79-3602, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by Representative Hodge.

HB 2311, AN ACT concerning sales taxation; relating to exemptions; exempting certain food and food ingredients; amending K.S.A. 2018 Supp. 79-3602 and repealing the existing section, by Representative Hodge.

HB 2312, AN ACT concerning postsecondary education; relating to the secretary of commerce; establishing the rural revitalization student loan repayment program, by Representative Hodge.

HB 2313, AN ACT concerning workers compensation; relating to expenses for medical care prior to claim approval; amending K.S.A. 2018 Supp. 44-510h and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were referred to committees as indicated:

Agriculture: **HB 2271**.

Children and Seniors: **HB 2255**.

Commerce, Labor and Economic Development: **HB 2253, HB 2259, HB 2260, HB 2262, HB 2263, HB 2280**.

Corrections and Juvenile Justice: **HB 2245, HB 2268, HB 2269, HB 2270, HB 2279, HB 2282**.

Education: **HB 2256**.

Energy, Utilities and Telecommunications: **HB 2240, HB 2273**.

Financial Institutions and Pensions: **HB 2254**.

Health and Human Services: **HB 2274**.

Higher Education Budget: **HB 2265, HB 2266**.

Judiciary: **HB 2241, HB 2242, HB 2243, HB 2244, HB 2258, HB 2281**.

K-12 Education Budget: **HB 2257**.

Local Government: **HB 2236, HB 2237, HB 2238, HB 2239, HCR 5007**.

Social Services Budget: **HB 2235**.

Taxation: **HB 2249, HB 2250, HB 2251, HB 2252, HB 2261, HB 2264, HB 2267, HB 2272, HB 2275, HB 2278**.

Transportation: **HB 2246, HB 2247, HB 2248, HB 2276, HB 2277**.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **HB 2076** be passed.

Committee on **Financial Institutions and Pensions** recommends **HB 2197** be reported without recommendation.

Committee on **Transportation** recommends **HB 2087** be amended on page 1, in line 26, by striking all after "vehicle"; in line 27, by striking all before the period; and the bill be passed as amended.

Upon unanimous consent, the House referred back to the regular business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were introduced and read by title:

HB 2314, AN ACT concerning cities; relating to the rehabilitation of abandoned property; amending K.S.A. 2018 Supp. 12-1750 and 12-1756a and repealing the existing sections; also repealing K.S.A. 2018 Supp. 12-1756e, by Committee on Commerce, Labor and Economic Development.

HB 2315, AN ACT concerning the employment security law; relating to benefits for privately contracted school bus drivers; amending K.S.A. 2018 Supp. 44-706 and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

HB 2316, AN ACT concerning municipal courts; relating to appearance bonds; removing option for cash bonds; amending K.S.A. 12-4301 and 12-4304 and repealing the existing sections, by Representative Finney.

HB 2317, AN ACT concerning utilities; relating to electric transmission lines; definitions; state corporation commission; siting permit approval; requirements; amending K.S.A. 66-1,177, 66-1,178, 66-1,179, 66-1,180 and 66-1,183 and repealing the existing sections, by Representative Finney.

HB 2318, AN ACT concerning abortion; relating to the funding of abortion services, by Representatives Garber, Donohoe, French, Helmer, Highland, Huebert, Rahjes, Rhiley, Smith, E., Thimesch, Thomas, Toplikar and K. Williams.

HB 2319, AN ACT concerning consumer protection; relating to unconscionable acts or practices; requiring technology protection measures on internet-accessible devices; enacting the human trafficking and child exploitation prevention act; establishing the human trafficking and child exploitation prevention grants fund, by Representatives Garber, Donohoe, French, Helmer, Highland, Huebert, Rahjes, Rhiley, Smith, E., Thimesch, Thomas, Toplikar, Waggoner, Warfield, Wheeler and K. Williams.

HB 2320, AN ACT concerning marriage; enacting the marriage and constitution restoration act, by Representatives Garber, Donohoe, French, Helmer, Highland, Huebert and Rhiley.

HB 2321, AN ACT concerning marriage; relating to licenses; creating the optional elevated marriage act; amending K.S.A. 2018 Supp. 23-2505, 23-2511 and 23-2516 and repealing the existing sections, by Representatives Garber, Donohoe, French, Helmer, Highland, Huebert, Rahjes and Rhiley.

HB 2322, AN ACT concerning discrimination; relating to social media websites; creating a cause of action against social media websites that censor or suppress certain user speech, by Representatives Garber, Donohoe, French, Helmer, Highland, Huebert, Rahjes, Rhiley, Smith, E., Thomas, Toplikar and Waggoner.

HB 2323, AN ACT concerning taxation; relating to adult-oriented businesses; imposing an excise tax on admission thereto, by Representatives Garber, Donohoe, French, Helmer, Highland, Huebert and Rahjes.

HB 2324, AN ACT concerning employment; relating to non-disclosure agreements; allegations of sexual harassment, by Representatives Whipple and Holscher.

HOUSE CONCURRENT RESOLUTION No. **HCR 5008**—

By Representative Ousley

HCR 5008—A PROPOSITION to repeal section 12 of article 15 of the constitution of the state of Kansas, relating to membership and nonmembership in labor organizations.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 12 of article 15 of the constitution of the state of Kansas is hereby repealed.

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The constitution of the state of Kansas shall be amended by repealing in its entirety section 12 of article 15, which provides that no person shall be denied employment because of membership or nonmembership in any labor organization. This section is colloquially known as the Kansas "right to work" constitutional provision.

"A vote for this proposition would repeal section 12 of article 15 of the constitution of the state of Kansas in its entirety.

"A vote against this proposition would leave section 12 of article 15 of the constitution of the state of Kansas as it currently exists."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2020, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Finch announced the appointment of Rep. Winn to replace Rep. Stogsdill on Committee on Federal and State Affairs on February 14, 2019.

On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Thursday, February 14, 2019.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

